



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

BOOK REVIEWS.

A TREATISE ON THE LAW OF PRIVATE CORPORATIONS. By Wm. L. Clark and Wm. L. Marshall. St. Paul, Minn. Keefe-Davidson Law Book Co., 1901. Three volumes. 8 vo. pp. xxxi, 3038.

It is fortunate for the profession, and for this important branch of our jurisprudence, that the law of Corporations has not proved an attractive field for amateurs and penny-a-liner text writers. The text-books on Corporations, now occupying the shelves of practitioners, probably reach a higher average degree of excellence than has been attained in any other department of the law. Among the really valuable treatises on this subject now accessible to the profession, may be mentioned Judge Thompson's gigantic work, in seven volumes—much of which is devoted to subjects not strictly appertaining to the law of corporations; Morawetz, in two volumes, the second edition of which is now sixteen years old, and a new edition of which would find ready purchasers among those who know the excellence of the old; Taylor, of which a fifth edition is just out—the best one-volume work on company law known to us; Cook's well known and excellent work in three volumes; Elliott's admirable one-volume work, recently reaching a third edition; and last and best, Judge Dillon's incomparable treatise on Municipal Corporations. The works of Mr. Beach, a young gentleman who published, under his name, within the brief space of four years, sixteen large volumes, thereby earning from Irving Browne the title of "stepfather to many books," are also sometimes quoted by the Virginia Court of Appeals.

To this list, may now be added the volumes under review. Mr. Clark, one of the authors, is an old acquaintance, through the medium of his previous single volume on Corporations, and his very creditable works on Contracts and Criminal Law.

The volumes under review constitute an important contribution to the literature of modern corporation law. Numerous questions of practical import, and of constant recurrence under present methods of business corporations, are dealt with in greater detail and with a fuller citation and discussion of authority than has heretofore been done by any text-writer.

The authors have in their preface indicated the scope and special features of their work, and we cannot better indicate these than by quoting from the preface: "In this work the authors have attempted to do what they believe has never been thoroughly done before, namely, to cover the whole field of what is properly the law of private corporations. Whether they have succeeded or not must be determined by the profession who will use the work, but certainly some branches of this subject are here treated for the first time, and others much more fully than in other works.

"Particular attention is called to Consolidation and Reorganization (ch. 18); Dissolution (ch. 17); Statutory Classification (ch. 2); The Effect of Irregularities in Organization and of Failure to Incorporate, which includes the Doctrine of De Facto Corporations and Estoppel to Deny Existence (ch. 4); Powers (chs. 7-11); Effect of Ultra Vires and Illegal Transactions (ch. 12); and Legislative Control (ch. 15). Chapter 20 contains a very full treatment of the law

in relation to watered or fictitiously paid up stock. Chapter 16 covers quite fully the principles of law in relation to taxation and exemptions.

"Great care has been taken to treat, under particular black letter lines, such matters only as properly belong there, and the analysis, therefore, may, it is believed, be relied upon as an accurate guide. This, in connection with the table of contents and the very full index, should be appreciated by the busy lawyer who desires to find just what he is searching for with the least possible delay.

"In this work an attempt has been made to make the citation of cases absolutely exhaustive on all points as to which there is any doubt; but on points settled beyond all controversy, sufficient only of the clearest and best-reasoned cases to establish the point have been cited, and a very large number of merely cumulative citations have been excluded after careful examination. In the citation of cases, specific references have been made to the selection of cases on private corporations by Prof. Jeremiah Smith, Prof. William Keener, and Prof. G. M. Cummings. References are also given to the American Decisions, Reports and State Reports"—

but not, the authors might have added, to the National Reporter System, save in rare and unavoidable instances, nor, we believe, at all to the L. R. A. This tendency on the part of rival publishers and of unfriendly text-writers, to ignore certain series of reports because published by a rival or unfriendly publisher, has become quite common in the making and publishing of law books in recent years, and the profession should protest against it. It may be good business policy not to advertise a rival by citing his publications, but the legal profession, who are expected to buy the books, suffer in consequence.

A TREATISE ON THE LAW OF JUDGMENTS, Including the Doctrine of Res Adjudicata. By Henry Campbell Black, M. A. Second Edition. St. Paul, Minn.: West Publishing Co. San Francisco, Cal.: Bancroft-Whitney Co. 1902. 2 volumes. 8 vo. pp. ccii, 1592.

Black on Judgments has been before the profession for a number of years, and has been most favorably received. We have made constant use of the work and have found it extremely useful. The second edition has received careful revision at the hands of the author, and, as we learn from the preface, about seven thousand new cases have been cited.

A text-writer cannot be expected to discover and cite all the cases decided since his former edition was published. The fact that Mr. Black has succeeded in finding as many as seven thousand should exonerate him from criticism for not finding others. But as the reviewer is expected to discover some fault, we are going to animadvert upon the absence of a single citation. In the chapter entitled "Judgments of Courts of a Sister State," the author discusses the once much debated question, whether a divorce suit is a proceeding *in rem*, and whether a decree of divorce in one State is entitled to full faith and credit in another, where one of the parties is domiciled elsewhere and process is served by publication. This question was set at rest by a decision of the United States Supreme Court, rendered April 15, 1901, after full consideration, in the case of *Atherton v. Atherton*, reported in 181 U. S. 155—something like eighteen months